

BILL NO. Z-70-10-29

ZONING MAP ORDINANCE NO. Z-137-71

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. E-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereto; and the symbols on the City of Fort Wayne Zoning Map No. E-2 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Lots #1 and #2, and the East 12' of
Lot #3 Homestead Park Addition to the
City of Fort Wayne.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.



APPROVED AS TO FORM
AND LEGALITY



CITY ATTORNEY

Read the first time in full and on motion by Dunifon seconded by Steigerwald and duly adopted, read the second time by title and referred to the (Committee on) Regulations (and to the City Plan Commission for recommendation) (and ~~Public Hearing to be held after due legal notice,~~ at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____ 196____, at _____ o'clock ~~P.M., E.S.T.~~

Date: 10-27-70

Thad G. Bonahoom
City Clerk

Read the third time in full and on motion by Tipton seconded by Geake and duly adopted, placed on its passage.

Passed (lost) by the following vote:

AYES	<u>7</u>	NAYS	<u>0</u>	ABSTAINED	____	ABSENT	<u>2</u>	to-wit:
Adams	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Dunifon	<u>✓</u>	_____	_____	_____	_____	_____	<u>✓</u>	
Fay	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Geake	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Nuckols	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Robinson	<u>✓</u>	_____	_____	_____	_____	_____	<u>✓</u>	
Rousseau	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Steigerwald	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Tipton	<u>✓</u>	_____	_____	_____	_____	_____	_____	

Date 2-23-71
11-10-70

Thad G. Bonahoom
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 2-137-71

on the 23rd day of February, 19671.

ATTEST: (SEAL)

Thad G. Bonahoom
City Clerk

Thad G. Bonahoom
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of February, 19671 at the hour of 8:30 o'clock 17.M., E.S.T.

Thad G. Bonahoom
City Clerk

Approved and signed by me this 25th day of February, 19671 at the hour of 10:31 o'clock 17.M., E.S.T.

Harold L. Zeis
Mayor

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 27, 1970, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-70-10-29; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 16, 1970;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 23, 1970.

Certified and signed this
17th day of February 1971.

Mary Ann Haynie
Mary Ann Haynie
Secretary

Bill No. Z-70-10-29

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. E-2,

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

HERBERT G. TIPTON

JACK K. DUNIFON

THOMAS G. ADAMS

WILLIAM K. GEAKE

JOHN H. ROBINSON

Herbert G. Tipton
Thomas G. Adams
W. K. Geake

CONCURRED IN

DATE 2-23-71 FUAD G. BONAHOOM, CITY CLERK

RECEIPT

No 34

GENERAL FUND

FT. WAYNE, IND.

Oct. 7, 1970

RECEIVED FROM

L. B. H. Associates (A. J. Nacker) \$ 2500

THE SUM OF

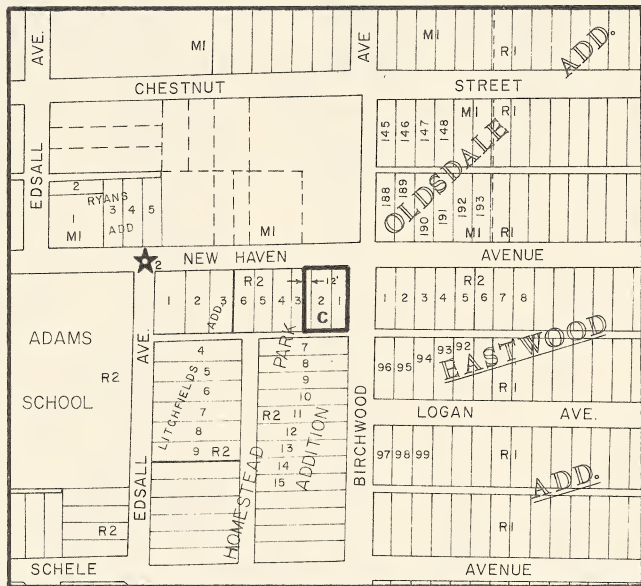
Twenty Five and no/100 DOLLARS

ON ACCOUNT OF

Pet to remove lots 1/42 and E 1/2 of
Lot 3 Homestead Plc. add.

H. Ostman

AUTHORIZED SIGNATURE



C CHANGE FROM R2 TO BIB

2-70-10-29

N

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE,
ALLEN COUNTY, INDIANA

TO: The Common Council of the City of Fort Wayne, Allen County,
Indiana:

The undersigned, being the owner of the following de-
scribed property located in Allen County, State of Indiana, to wit:

Lots #1 and 2, and the E 12' of lot #3 Homestead
Park Addition.

which is now situated in an R-2 District, respectfully petitions
the Common Council of the City of Fort Wayne, Allen County, Indiana,
to change the zoning of said tract from an R-2 District to a B1B
District.

Your Petitioner would further show the Council that the
change of zone would be consistent with the character of the sur-
rounding neighborhood and would be for the best interest and the
general welfare of the immediate community.

WHEREFORE, your Petitioner respectfully requests the
Council to change the zoning of said tract to a B1B District.

Respectfully submitted,

Opfer Jash

zoning book page # E2

STATE OF NEW YORK)
) SS:
COUNTY OF MONROE)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE,

THIS 4TH DAY OF JANUARY, 1971, PERSONALLY APPEARED LESTER E. FRANKENSTEIN

AND ACKNOWLEDGED THE EXECUTION OF THE ABOVE DEDICATION TO BE HIS

VOLUNTARY ACT AND DEED.



NOTARY PUBLIC

HARWOOD R. ELLIS, Notary Public
State of New York, County of Monroe
Commission Expires March 30, 1972

(SEAL)

RESTRICTIVE COVENANT

We, Lester E. Frankenstein, Bernard J. Frankenstein,
and Hannah F. Zacher,
being the owners of the real estate in Allen County, Indiana, described as follows:

Lot #1 and #2 and the east 12 feet of Lot #3 in Homestead Park Amended Addition as recorded in Plat Book No.9 Page 25 in the Office of the Recorder of Allen County, Indiana.

in consideration of permission to use said real estate for business
, hereby covenant and agree, for ourselves, grantees, personal representatives, successors and assignees as follows:

We will not erect, or permit to be erected, any building or structure of any nature on said real estate nearer than forty (40) feet to the West line of the right-of-way of Birchwood Avenue.

(No part of said real estate shall be used for
).

(There shall be no ingress or egress to or from said real estate from Street except).

This is not a personal covenant, but shall run with the land and inure to the benefit of all owners of real estate within five hundred feet of said real estate, and of the public. It may be enforced by injunction or otherwise by any of said owners or by the City of Fort Wayne on behalf of the public.

Witness our hands and seals this 17th day of January,
1961.

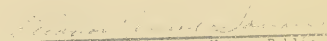
Lester E. Frankenstein (SEAL)

Hannah F. Zacher (SEAL)

Bernard J. Frankenstein (SEAL)

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a notary public in and for said County and State this
4th day of January, 1967, personally appeared
Lester E. Frankenstein, Bernard J. Frankenstein and
Hannah F. Zacher
and acknowledged the execution of the above Restrictive Covenant to be their
voluntary act and deed.


ELEANOR JEANNE SANDERS Notary Public


(SEAL)

My Commission Expires: 7/22/74

PREPARED BY _____

STATE OF NEW YORK)
) SS:
COUNTY OF MONROE)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, THIS
4TH DAY OF JANUARY, 1971, PERSONALLY APPEARED LESTER E. FRANKENSTEIN
AND ACKNOWLEDGED THE EXECUTION OF THE ABOVE RESTRICTIVE COVENANT TO BE
HIS VOLUNTARY ACT AND DEED.


NOTARY PUBLIC

HARWOOD R. ELLIS, Notary Public
State of New York, County of Monroe
Commission Expires March 20, 1972

SEAL



Common Council-City of Ft. Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

-

71

1

72

COMPUTATION OF CHARGES

72 lines, columns wide equals equivalent lines at 288¢
cents per line

20.74

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

20.74

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date March 17, 1971

Title CLERK

Annette D. Hald

Legal Notice

Notice is hereby given that on the 23rd day of February, 1971, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session, did pass the following zoning map ordinance, to-wit:

BILL NO. 2-157-71
ZONING MAP ORDINANCE

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 65, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1B District under the terms of Chapter 20, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. 258 and amendments hereto; and the symbols on the City of Fort Wayne Zoning Map No. 65 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

SECTION 2. That the City of Fort Wayne, Indiana, is hereby designated a B-1B District under the terms of Chapter 20, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. 258 and amendments hereto; and the symbols on the City of Fort Wayne Zoning Map No. 65 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approved by the Mayor and legal publication thereof.

JACK C. DUNIFON, Councilman.
Read the third time in full and on motion, by motion seconded by Clerk and Passed by the following vote:
Ayes: none.
Nays: none.Absent: Two, to-wit: Councilman Dunifon and Robinson.
Date: 2-23-71.Attest: FUAD G. BONAHOOM, City Clerk.
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of February, 1971, at the hour of 8:30 a'clock A.M., E.S.T.Attest: FUAD G. BONAHOOM, City Clerk.
Approved and signed by me this 25th day of February, 1971 at the hour of 10:31 o'clock A.M., E.S.T.HAROLD S. ZEIS, Mayor.
I, Fuad G. Bonahoom, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Zoning Map Ordinance No. 2-157-71, passed by the Common Council on the 23rd day of February, 1971, and that said Ordinance was duly signed and approved by the Mayor on the 25th day of February, 1971, and now remains on the end on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 25th day of February, 1971.

FUAD G. BONAHOOM, City Clerk.
3-615.

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

March 8, 1971

March 15, 1971

Subscribed and sworn to before me this 17th day of March, 1971.

My commission expires March 8, 1974.

Edith Stapleton
Notary Public

To NEWS-SENT INEL Dr

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

77

1

72

COMPUTATION OF CHARGES

20. 74

\$20.74

00. Full

DATA FOR COMPUTING COST

Size of type $5\frac{1}{2}$ point

Size of quad upon which type is cast $5\frac{1}{2}$

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that She is Clerk NEWS-SENT INFL of the

a DAILY newspaper of general circulation printed and published
in the English language in the city of FORT WAYNE, INDIANA
in state and county aforesaid, and that the printed matter attached hereto is a true copy
which was duly published in said paper for 2 time s, the dates of publication being
as follows: MAY 6, 1953

March 15, 1971

Subscribed and sworn to before me this 17th day of March 1971

My commission expires March 8, 1974

Notice is hereby given that on the 23rd day of February, 1971, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session, did pass the following Zoning Map ordinance, to-wit:

ZONING MAP OROINANCE
NO. 2-137-71
AN OROINANCE amending the City of
Fort Wayne Zoning Map No. E-2.
BE IT OROAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereto; and the symbols on the City of Fort Wayne Zoning Map No. E-2 referred to therein, established by Section 9, Article III of said Chapter as amended, are

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

JACK K. OUNIFON, Councilman.
Read the third time in full and on motion by Tipton seconded by Geake and duly adopted, placed on its passage. Passed by the following vote:

Ayes: seven.
Adams, Fay, Geake, Nuckols, Rousseau,
Steigerwald, Tipton.
Nays: none.
Absent two, to-wit: Councilmen Ounifon
and Robinson.

Date: 2-23-71.
 FUAD G. BONAHOOM, City Clerk.
 Passed and adopted by the Common
 Council of the City of Fort Wayne, Indiana
 as Zoning Map Ordinance No. Z-137-71 on
 the 23rd day of February, 1971.
 Attest: FUAD G. BONAHOOM, City Clerk.

PHIL A. STEIGERWALO,
Presiding Officer.
Presented by me to the Mayor of the
City of Fort Wayne, Indiana, on the 24th
day of February, 1971 at the hour of 8:30
o'clock, P. M. EST.

Approved and signed by me this 25th day of February, 1971 at the hour of 10:31 o'clock A.M., E.S.T.

I, Fuad G. Bonahoom, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full and true and complete copy of Zoning Map Ordinance No. Z-137-71 passed by the Com-

mon Council on the 23rd day of February, 1971, and that said Ordinance was duly signed, and approved by the Mayor on the 25th day of February, 1971, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of said City of Chicago, this 25th day of February, 1971.

of the City of Fort Wayne, Indiana, this 25th day of February, 1971.
ELIAD G. BONAHOOD, City Clerk